

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	CUID No.	MI0772 (Sands Township)
)		
Bresnan Communications Company)		
)		
Complaints Regarding Cable Programming)		
Services Tier Rates)		

ORDER

Adopted: February 20, 2002

Released: February 26, 2002

By the Acting Chief, Financial Analysis and Compliance Division, Cable Services Bureau:

1. In this Order we consider complaints¹ against the rates charged by the above-referenced operator ("Operator") for its cable programming services tier ("CPST") in the community referenced above. We have already issued a separate order in which we found Operator's rates in effect before May 15, 1994 to be reasonable ("Prior Order").² In our Prior Order, we stated that our findings "do not in any way prejudice the reasonableness of the price for CPS service after May 14, 1994 under our new rate regulations."³ This Order addresses the reasonableness of Operator's CPST rates in effect beginning May 15, 1994.

2. Under the Communications Act,⁴ the Federal Communications Commission ("Commission") is authorized to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. If the Commission finds a rate to be unreasonable, it shall determine the correct rate and any refund liability.⁵ The filing of a complete and timely complaint triggers an obligation upon the cable operator to file a justification of its CPST rates.⁶ The Operator has the burden of

¹ The most recent complaint was filed against Operator's September 1995 CPST rate.

² See *In the Matter of Bresnan Communications Company*, 10 FCC Rcd 3967 (1995).

³ *Id.* at n. 1.

⁴ Communications Act, Section 623(c), *as amended*, 47 U.S.C. §543(c) (1996).

⁵ See Section 76.957 of the Commission's Rules, 47 C.F.R. §76.957.

⁶ See Section 76.956 of the Commission's Rules, 47 C.F.R. §76.956.

demonstrating that the CPST rates complained about are reasonable.⁷

3. To justify rates for the period beginning May 15, 1994, operators must use the FCC Form 1200 series.⁸ Operators are permitted to make changes to their rates on a quarterly basis using FCC Form 1210.⁹ Operators may adjust their rates on an annual basis using FCC Form 1240.¹⁰

4. Upon review of Operator's multiple FCC Forms, we find Operator's CPST rates to be reasonable, beginning May 15, 1994.¹¹

5. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. §0.321, that the CPST rates, charged by Operator in the franchise area referenced above, beginning May 15, 1994, ARE REASONABLE.

6. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. §0.321, that the complaints referenced herein against the CPST rates charged by Operator in the community referenced above ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Kathleen F. Costello, Acting Chief
Financial Analysis and Compliance Division
Cable Services Bureau

⁷ *Id.*

⁸ *See* Section 76.922 of the Commission's Rules, 47 C.F.R. §76.922.

⁹ *Id.*

¹⁰ *Id.*

¹¹ These findings are based solely on the representations of Operator. Should information come to our attention that these representations were materially inaccurate, we reserve the right to take appropriate action. This Order is not to be construed as a finding that we have accepted as correct any specific entry, explanation or argument made by any party to this proceeding not specifically addressed herein.